

Exhibit A
Crim. No. 12-594
(ADC)

REQUESTED BY: PAGAN DIAZ, TAINA M

O F F I C I A L U S E O N L Y

DEPARTMENT OF HOMELAND SECURITY
ICE

R E P O R T O F I N V E S T I G A T I O N

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CASE NUMBER

REPORT DATE
092812REPORT NO.
015

RELATED CASE NUMBERS:

COLLATERAL REQ:

TYPE OF REPORT:
SEARCH WARRANT REPORT /

TOPIC: SEARCH WARRANT AND ARREST OF NELSON RAMOS-RAMOS

SYNOPSIS:

In June 2012, Homeland Security Investigations (HSI) San Juan, Financial Crimes Investigations Group (FCIG) initiated an investigation targeting the money laundering and drug trafficking activities of two unidentified individual known as [REDACTED] and [REDACTED] and their Transnational Crime Organization (TCO).

On August 22, 2012, FCIG agents detained Nelson RAMOS-Ramos to execute a search warrant. As part of this detention, RAMOS-Ramos was interviewed and later arrested for violation of Title 21 United States Code 841 and 846. Details of this event are contained within the narrative of this report of investigation.

DISTRIBUTION:

SIGNATURE:

PAGAN DIAZ TAINA M SPECIAL AGENT

APPROVED:

CRUZ RAUL OI GRP SUPERVISOR

ORIGIN OFFICE: SJ
SAN JUAN, PR - SAC

TELEPHONE: [REDACTED]

TYPIST: PAGAN DIAZ

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C O N T I N U A T I O N

CASE NUMBER [REDACTED]

REPORT NUMBER: 015

CASE PROGRAM CODES:

[REDACTED]

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DETAILS OF INVESTIGATION:

On August 18, 2012, Honorable Sylvia Carreno-Coll, U.S. Magistrate Judge for the District of Puerto Rico, under miscellaneous case 12-1197(M), issued a search and seizure warrant in order to obtain buccal (oral) swabs and hair samples from Nelson RAMOS-Ramos.

On August 22, 2012, HSI San Juan agents encountered and detained RAMOS-Ramos in order to execute the above-referred search warrant. Below is a breakdown of the events that lead to RAMOS-Ramos detention, interview, and search warrant execution, transportation to medical facility, re-interview and arrest.

RAMOS-Ramos Encounter and Detention:

On August 18, 2012, at approximately 3:14am, HSI Special Agent (SA) Francisco Calderon received information from a concerned citizen indicating RAMOS-Ramos was sleeping at a residence located within Villa Marisol in Toa Baja, PR. SA Calderon continued receiving information indicating RAMOS-Ramos was still sleeping at the residence; last call received by SA Calderon from this citizen was at approximately 6:00am.

At approximately 8:30am, HSI San Juan agents gathered at the former Sabana Seca Naval Base in order to conduct a "knock-and-talk" and obtain consent to search to the alleged residence where RAMOS-Ramos was located.

HSI agents grouped in the following teams and proceeded to the residence:

- * SA Francisco Calderon, Task Force Agent (TFA) Jose Castro, TFA Edwin Rios and TFA Gerardo Castro (hereinafter Team 1).
- * SA Robert Kelly, Assistant Special Agent in Charge (ASAC) Ivan Arvelo and Group Supervisor (GS) Raul Cruz (hereinafter Team 2).
- * SA Miguel Bermudez, SA Freddy Lozada and TFA Antonio Pizarro (hereinafter Team 3).
- * SA Carmen Morales, SA Pedro Ruiz and TFA Hector Malave (hereinafter Team 4).

At approximately 9:00am, HSI agents arrived to the possible residence and spoke to the owner. During the interview, the owner stated RAMOS-Ramos had been sleeping in a room but had left the residence at approximately 7:30am. HSI verified a second residence nearby and obtained consent to search it with negative results.

After both approaches, HSI agents, with the assistance of the Puerto Rico

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Police Department (PRPD), scouted the area in an attempt to locate RAMOS-Ramos. At this time, ASAC Arvelo terminated his participation in Team 2. At approximately 9:30am, Team 4 located and detained RAMOS-Ramos in the cemetery known as "Cementerio de Villa Marisol" in Toa Baja, PR. At the time of his detention, Team 4 agents observed RAMOS-Ramos injecting himself. When agents instructed RAMOS-Ramos to put his hand up, RAMOS-Ramos pulled the needle out of his arm and raised both arm. Agents told RAMOS-Ramos to open both hands where he proceeded to drop the needle on the floor. At the time of his detention, RAMOS-Ramos was asked at what time the effect of the drug would go away. RAMOS-Ramos asked for the time, which was 9:30am and indicated that at approximately 11:30am it would go away. RAMOS-Ramos was detained and transported by Team 4 to the HSI San Juan office in Miramar, San Juan, PR. Team 1 escorted Team 4.

Interview of RAMOS-Ramos:

Shortly after arrival to the HSI office, RAMOS-Ramos asked for food, specifically for a Subway chicken sandwich with lettuce, tomato, no mayonnaise, water and a Snickers chocolate bar; all which were provided to him. In addition, RAMOS-Ramos asked SA Morales if he could smoke a cigarette which was allowed. SA Morales, GS Cruz and ASAC Alexis Torres accompanied RAMOS-Ramos to smoke the cigarette in the parking area of the office.

At approximately 11:00am, SA Bermudez, SA Morales and SA Calderon initiated the interview of RAMOS-Ramos. SA Calderon asked RAMOS-Ramos if he knew how to read and write, which he replied "Yes". SA Calderon proceeded to read RAMOS-Ramos the Statement of Rights in the Spanish language. SA Calderon provided RAMOS-Ramos with the Spanish version form of the Statement of Rights used by HSI agents. RAMOS-Ramos read and understood his constitutional rights and proceeded to write his name at the top of the form and initial each sentence. RAMOS-Ramos proceeded to sign the form and waved his constitutional rights and agreed to talk with HSI agents. SA's Calderon and Bermudez signed the form as witnesses.

RAMOS-Ramos was initially approached by SA Bermudez who asked if he could provide biographical data to the agents. RAMOS-Ramos drank water and ate part of the Snickers chocolate bar. During the conversation with SA Bermudez in regards to his biographical data RAMOS-Ramos was cooperative, calmed and answered each question. The following data was obtained:

RAMOS-Ramos provided his date of birth June 7, 1971 and continued stating he was 41 years old.

RAMOS-Ramos told interviewing agents he had four children and proceeded to state their complete names and ages as follows:

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- * Nelson Jose Ramos Barbosa, 22 years old
- * Jean Carlo Ramos Barbosa, 18 years old
- * Jorge Nelson Ramos Barbosa, 17 years old
- * Jelson Alexander Ramos Barbosa, 2 month old baby

RAMOS-Ramos voluntarily stated that he had been imprisoned for multiple criminal violations related to robbery, weapon, and narcotics since approximately 1992; when he use to work for an individual known as "JOSE" who is currently dead. RAMOS-Ramos stopped and explained that JOSE had been dead for a while and he knew he was not there to talk about JOSE.

In addition, stated he had a brother named Jorge Luis Gonzalez who had been recently arrested.

RAMOS-Ramos was cooperative, conversational, calmed and responsive. At this moment, ASAC Arvelo entered the interview room and told RAMOS-Ramos that he knew why he was here for. RAMOS-Ramos stated he knew why and admitted his participation on the July 27th shooting incident. RAMOS-Ramos also admitted being on board the Toyota 4Runner (refer to report of investigation 004).

Upon his admission, SA Calderon asked in detail what RAMOS-Ramos did the day of the shooting. RAMOS-Ramos stated the following:

He was consuming narcotics at the Cemetery at approximately 12 pm to 1 pm. During that time, the grey Toyota 4Runner that was used in the shooting incident at Plaza Guaynabo, showed up with a driver that RAMOS-Ramos did not want to identify.

The driver of the grey Toyota 4Runner said he needed him at the mall and handed him weapon. He was given a black .45mm Glock, made with plastic and metal.

He was hired for a security job and was instructed by the driver of the Toyota 4Runner to act when he requested him to act. He thought he should do it because maybe the driver would give him some money. He did not ask the driver if he would be paid or how much.

RAMOS-Ramos drew a map depicting the Plaza Guaynabo Shopping Mall where he was driven to in the grey Toyota 4Runner. He then continued showing on the map where the Toyota 4Runner parked in front of what he described as a small vehicle and a black Mitsubishi Lacer that he later learned were cops. RAMOS-Ramos recalled the driver of the Toyota 4Runner speaking on the phone with an unknown person.

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He was looking everywhere and everything. He recalls seen a man of small built walking in the parking lot. At first, he saw the man walking alone and later next to another male wearing a black shirt. He asked the driver who the guy was but the driver did not answer. He mentioned to the driver that the man walking in the parking lot looked like a cop.

Then, he heard the driver saying hurry, hurry shoot, shoot.

He thought to himself why there were so many policemen and immediately grabbed the black .45mm Glock with his left hand, turned his back to the driver, put his left hand outside the window and commenced shooting at the police. The driver sped away trying to escape from all the policemen in the area.

While he was firing at the police, a bullet fired by the policemen struck close to the front passenger door lock. At that point, he thought the bullet had hit him and went thru his lungs. He dodges in the passenger sit to protect himself and noticed two bullets had impacted the passenger seat head rest. He remained very close to the front passenger door looking for cover.

RAMOS-Ramos showed agents in a map where the grey Toyota 4Runner had entered and position itself in the parking lot at Plaza Guaynabo and the route taken once the shooting started and how they abandoned the parking lot.

He shot several times with the .45 Glock and it got jammed. He was able to clear the weapon and continued firing until the firearm got jammed again. He put the weapon down and grabbed the .38 mm, which was given to him by the driver and fired 6 rounds. Once again he grabbed the .45 Glock, cleared it and fired again.

RAMOS-Ramos showed in the map where the Toyota 4Runner was located when he stopped shooting. He also showed in the map and explained how he disposed of the two weapons by tossing them outside the window. Both firearms landed in an old industrial building.

RAMOS-Ramos stated he did not have time to look towards the driver to know whether or not the driver shot at the police. He did not know if the driver had a firearm. He claims he was the only one shooting. He remembers listening to the sound of bullets hitting the Toyota 4 Runner and seeing the windows broken. He did not know his brother Jorge Luis Gonzalez would be in the Plaza Guaynabo parking lot.

RAMOS-Ramos told the driver to drop him off near Road 165 Catano. He claimed walking thru Amelia then Juana Matos, Levittown until he made it to Sabana Seca. RAMOS-Ramos explained they drove thru Martinez Nadal Highway then took

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the Buchanan exit. He claims he never saw the Toyota 4Runner again.

Agents asked RAMOS-Ramos why he was picked for this job. He explained the driver knew he was a delinquent and drug addict and could do the job because he had no fear. He explained the young man driving was a clean guy who did not use drugs.

RAMOS-Ramos told agents that as soon as he got to his home he had been questioned by neighbors what happen in the shooting incident. When asked why they asked him; he said they would ask because everyone knew his brother Jorge Luis was there.

Agents asked RAMOS-Ramos if he had done this type of work before with Jorge Luis, he said no because Jorge Luis does not trust him. He continued stating Jorge Luis was a Volvo mechanic and a welder. He used to weld with Jorge Luis but he misused the money earned consuming narcotics.

RAMOS-Ramos did not want to answer if his brother Jorge Luis was involved in narcotics distribution. He only wanted to talk about himself, not about anyone else.

He described the driver of the vehicle as a young male of 22 to 23 years of age, medium skin, with brown straight hair. He did not remember if the driver was wearing sunglasses. He does not remember if the driver had tattoos.

RAMOS-Ramos told agents the grey Toyota 4Runner belongs to someone he knows for approximately 10 to 12 years name Jose Juan RAMOS-Garcia. He did not remember if Jose Juan had any tattoos.

RAMOS-Ramos mentioned he did not how Jose Juan's Toyota 4Runner ended up buried in the river ditch nor who changed the vehicle license plate. He expressed that we (referring to the agents) needed to interview Jose Juan and ask him about his car. He stated he did not fear Jose Juan and said Jose Juan was a nobody. He asked us to search for the vehicle registration where Jose Juan name would be.

RAMOS-Ramos told agents he had agreed to speak with us without an attorney present and he would only speak about him and not about anyone else. He said the only thing he would say is he was surprised to see the driver of the vehicle because he is a youngster that is not involved in this kind of dangerous situation. He said the driver knows he is not afraid to do that kind of job that is why the driver brought him.

RAMOS-Ramos does not know who provided the driver with the Toyota 4Runner. Furthermore, he does not know where the driver works and believes the driver

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lives near Amelia, Catano, PR. He told agents he has a code and he does not talk about anyone else and that is why he cannot say who the driver was. Interview terminated.

Execution of Search Warrant:

At approximately 12:15pm, SA Kelly, TFA Castro and SA Angel Matos (hereinafter Transport Team) transported RAMOS-Ramos to the Puerto Rico Forensic Sciences Institute ("Instituto de Ciencias Forenses' ICF " Spanish Acronym) escorted by TFA Torres and TFA Rios (hereinafter Escort Team) in order to execute the search warrant reference above.

At approximately 12:45pm, Edgardo L. Vera-Lopez, ICF Technician, initiated the oral and hair sample collection from RAMOS-Ramos. The sample collection process lasted until approximately 1:10pm when RAMOS-Ramos was turned over to the Transport Team. Shortly after, the Transport Team followed by the Escort Team returned to the HSI office with RAMOS-Ramos.

Transportation of RAMOS-Ramos to Medical Facility:

At approximately 3:15pm, agents arrived to the San Juan Medical Facility located in Hoare Street where RAMOS-Ramos was attended by Doctor Gualberto Rabell, license number 16991. RAMOS-Ramos was authorized to be released in stable conditions at 4:47pm. RAMOS-Ramos was transported back to the HSI San Juan office.

Re-Interview of RAMOS-Ramos:

At approximately 5:08pm, SA Calderon and SA Bermudez approached RAMOS-Ramos in order to interview him again and to corroborate his prior statements. SA Calderon proceeded to read the Statement of Rights again to RAMOS-Ramos. At that time RAMOS-Ramos stated that he was not feeling very good and that he wanted to talk with an attorney to feel better. SA Calderon asked RAMOS-Ramos if he was invoking his right to have an attorney present. RAMOS-Ramos said that he wanted an attorney to feel better. RAMOS-Ramos proceeded to write his name and a brief sentence in Spanish "Necesito un abogado para sentirme mejor" (I need an attorney to feel better) on the Statement of Rights form. Interview was terminated at this time.

RAMOS-Ramos was subsequently arrested, pursuant a criminal complaint, for violation of Title 21 United States Code 841 and 846 after admitting his involvement in July 27, 2012 drug transaction. RAMOS-Ramos was taken in front of a United States Magistrate Judge and subsequently transported to the Guaynabo Metropolitan Detention Center.

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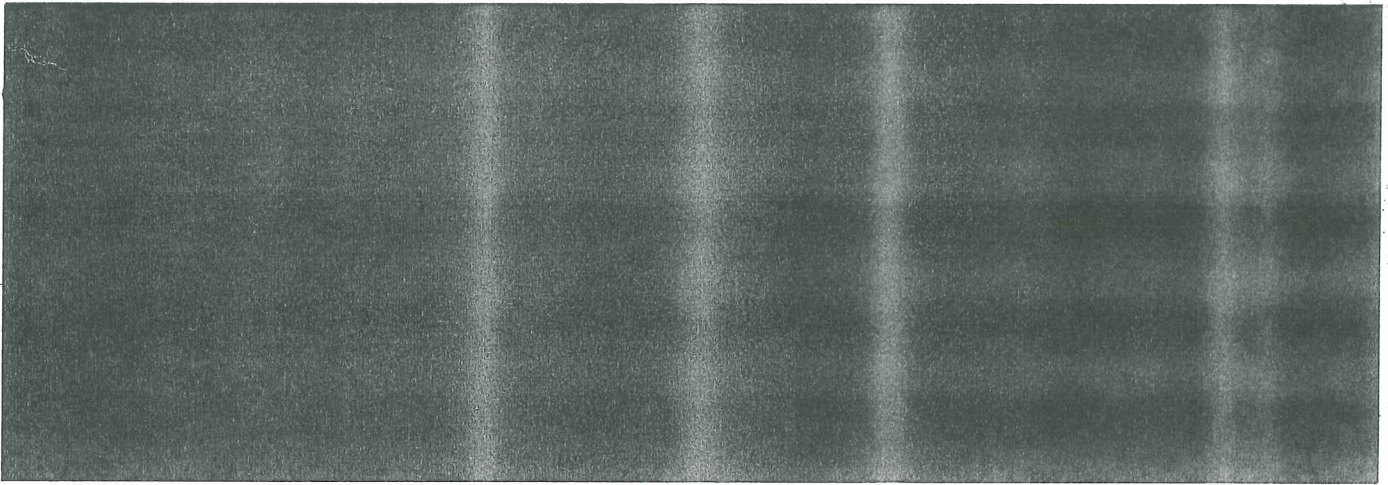
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Investigation continues.

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